



February 16, 2007

SENATE BILL No. 463

DIGEST OF SB 463 (Updated February 13, 2007 1:26 pm - DI 71)

Citations Affected: IC 6-6; IC 9-13; IC 9-14; IC 9-18; IC 9-24; IC 9-29; noncode.

Synopsis: Bureau of motor vehicles. Provides that the bureau may no longer collect a transaction fee on credit card transactions. Changes the pro rata reductions in registration fees and excise taxes for automobiles registered after the owners' regular registration dates from a 10 month schedule to a 12 month schedule. Makes certain changes concerning the contents of and application procedure for a driver's license, learner's permit, or identification card to comply with federal law. Provides for varying expiration dates for a driver's license, learners' permit, and identification cards based on the holder's lawful status in the United States. Requires that an application for a driver's license, permit, or identification card by a person who does not have a Social Security number include: (1) a verification of the applicant's ineligibility for a Social Security number; and (2) a verification of the applicant's identity and lawful status in the United States. Permits the bureau to adopt rules to temporarily invalidate a motor vehicle registration, license, permit, or identity card if the bureau believes that the registration, license, permit, or identification card was issued based on fraudulent documentation. Makes other changes and conforming amendments. Makes technical corrections.

Effective: Upon passage; July 1, 2007.

Heinold, Wyss, Paul

January 11, 2007, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.
February 15, 2007, amended, reported favorably — Do Pass.

SB 463—LS 7579/DI 96+



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February 16, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

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SENATE BILL No. 463

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-6-5-9 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) The bureau, in the
3 administration and collection of the annual license excise tax imposed
4 by this chapter, may utilize the services and facilities of license
5 branches operated under IC 9-16 in its administration of the motor
6 vehicle registration laws of the state of Indiana. The license branches
7 may be so utilized in accordance with such procedures, in such manner,
8 and to such extent as the bureau shall deem necessary and proper to
9 implement and effectuate the administration and collection of the
10 excise tax imposed by this chapter. However, in the event the bureau
11 shall utilize such license branches in the collection of excise tax, the
12 following apply:

13 (1) The excise taxes so collected by each license branch, less any
14 refunds made by the license branch, shall be deposited daily by
15 the license branch in a separate account in a depository duly
16 designated by the state board of finance. The county treasurer of
17 the county for which the collections are due may withdraw funds

SB 463—LS 7579/DI 96+



from the account at least two (2) times each week. The county treasurer is responsible for the safekeeping and investment of money withdrawn by the county treasurer under this subsection. Before the eleventh day of the month following the month in which the collections are made, the bureau of motor vehicles shall report the excise taxes collected and refunds made outside the county to the county treasurer of the county to which the collections are due and the refunds apply. The bureau shall forward a copy of this excise tax report to the county auditor of the county.

(2) A license branch shall each week forward a report to the county auditor of the county to whom the collections are due, showing the excise tax collected on each vehicle, each refund on a vehicle, and a copy of each registration certificate for all collections and refunds within the county.

(3) Each license branch shall also report to the bureau all excise taxes collected and refunds made under this chapter in the same manner and at the same time as registration fees are reported.

(4) Premiums for insurance to protect the funds collected by license branches against theft shall be paid by the bureau, except that the bureau may issue blanket coverage for all branches at its discretion. At the discretion of the bureau, the bureau may:

(A) self-insure to cover the activities of the license branches; or

(B) rather than purchase a bond or crime policy for each branch, purchase a single blanket bond or crime insurance policy endorsed to include faithful performance to cover all branches.

(5) If the services of a license branch are used by the bureau in the collection of the excise tax imposed by this chapter, the license branch shall collect the service charge prescribed under IC 9-29 for each vehicle registered upon which an excise tax is collected by that branch.

(6) If the excise tax imposed by this chapter is collected by the department of state revenue, the money collected shall be deposited in the state general fund to the credit of the appropriate county and reported to the bureau of motor vehicles on the first working day following the week of collection. Except as provided in subdivision (7), any amount collected by the department which represents interest or a penalty shall be retained by the department and used to pay its costs of enforcing this chapter.

(7) This subdivision applies only to interest or a penalty collected

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by the department of state revenue from a person who:

(A) fails to properly register a vehicle as required by IC 9-18 and pay the tax due under this chapter; and

(B) during any time after the date by which the vehicle was required to be registered under IC 9-18 displays on the vehicle a license plate issued by another state.

The total amount collected by the department that represents interest or a penalty, minus a reasonable amount determined by the department to represent its administrative expenses, shall be deposited in the state general fund for the credit of the county in which the person resides. The amount shall be reported to the bureau of motor vehicles on the first working day following the week of collection.

The bureau may contract with a bank card or credit card vendor for acceptance of bank or credit cards. ~~However, if there is a vendor transaction charge or discount fee, whether billed to the bureau or charged directly to the bureau's account, the bureau shall collect from the person using the card an official fee that may not exceed the highest transaction charge or discount fee charged to the bureau by bank or credit card vendors during the most recent collection period. This fee may be collected regardless of retail merchant agreements between the bank and credit card vendors that may prohibit such a fee. The fee is a permitted additional charge under IC 24-4.5-3-202.~~

(b) On or before April 1 of each year the bureau shall provide to the auditor of state the amount of motor vehicle excise taxes collected for each county for the preceding year.

(c) On or before May 10 and November 10 of each year the auditor of state shall distribute to each county one-half (1/2) of:

(1) the amount of delinquent taxes; and

(2) any penalty or interest described in subsection (a)(7);

that have been credited to the county under subsection (a). There is appropriated from the state general fund the amount necessary to make the distributions required by this subsection. The county auditor shall apportion and distribute the delinquent tax distributions to the taxing units in the county at the same time and in the same manner as excise taxes are apportioned and distributed under section 10 of this chapter.

(d) The commissioner of insurance shall prescribe the form of the bonds or crime policies required by this section.

SECTION 2. IC 6-6-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) In respect to a vehicle that has been acquired, or brought into the state, or for any other reason becomes subject to registration after the regular annual registration

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1 date in the year on or before which the owner of the vehicle is required,
 2 under the motor vehicle registration laws of Indiana, to register
 3 vehicles, the tax imposed by this chapter shall become due and payable
 4 at the time the vehicle is acquired, brought into the state, or otherwise
 5 becomes subject to registration and the amount of tax to be paid by the
 6 owner for the remainder of the year shall be reduced by ten percent
 7 (10%) for each full calendar month that has elapsed since the regular
 8 annual registration date in the year fixed by the motor vehicle
 9 registration laws for annual registration by the owner. The tax shall be
 10 paid at the time of the registration of the vehicle.

11 (b) In the case of a vehicle that is acquired, or brought into the state,
 12 or for any other reason becomes subject to registration after January 1
 13 of any year, then the owner may pay the applicable registration fee on
 14 the vehicle as provided in the motor vehicle registration laws and any
 15 excise tax due on the vehicle for the remainder of the annual
 16 registration year and simultaneously register the vehicle and pay the
 17 applicable registration fee and the excise tax due for the next
 18 succeeding annual registration year.

19 (c) Except as provided in subsection (f), no reduction in the
 20 applicable annual excise tax will be allowed to an Indiana resident
 21 applicant upon registration of any vehicle that was owned by the
 22 applicant on or prior to the registrant's annual registration period. A
 23 vehicle owned by an Indiana resident applicant that was located in and
 24 registered for use in another state during the same calendar year shall
 25 be entitled to the same reduction when registered in Indiana.

26 (d) The owner of a vehicle who sells the vehicle in a year in which
 27 the owner has paid the tax imposed by this chapter, shall receive a
 28 credit equal to the remainder of:

29 (1) the tax paid for the vehicle; reduced by

30 (2) ten percent (10%) for each full or partial calendar month that
 31 has elapsed in the registrant's annual registration year before the
 32 date of the sale.

33 The credit shall be applied to the tax due on any other vehicle
 34 purchased or subsequently registered by the owner in the same
 35 registrant's annual registration year. If the credit is not fully used and
 36 the amount of the credit remaining is at least four dollars (\$4), the
 37 owner is entitled to a refund in the amount of the unused credit. The
 38 owner must pay a fee of three dollars (\$3) to the bureau to cover costs
 39 of providing the refund, which may be deducted from the refund. The
 40 bureau shall issue the refund. The bureau shall transfer to the bureau
 41 of motor vehicles commission three dollars (\$3) of the fee to cover the
 42 commission's costs in processing the refund. To claim the credit and

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1 refund provided by this subsection, the owner of the vehicle must
2 present to the bureau proof of sale of the vehicle.

3 (e) Subject to the requirements of subsection (g), the owner of a
4 vehicle that is destroyed in a year in which the owner has paid the tax
5 imposed by this chapter, which vehicle is not replaced by a
6 replacement vehicle for which a credit is issued under this section,
7 shall receive a refund in an amount equal to ten percent (10%) of the
8 tax paid for each full calendar month remaining in the registrant's
9 annual registration year after the date of destruction, but only upon
10 presentation or return to the bureau of the following:

- 11 (1) A request for refund on a form furnished by the bureau.
- 12 (2) A statement of proof of destruction on an affidavit furnished
13 by the bureau.
- 14 (3) The license plate from the vehicle.
- 15 (4) The registration from the vehicle.

16 However, the refund may not exceed ninety percent (90%) of the tax
17 paid on the destroyed vehicle. The amount shall be refunded by a
18 warrant issued by the auditor of the county that received the excise tax
19 revenue and shall be paid out of the special account created for
20 settlement of the excise tax collections under IC 6-6-5-10. For purposes
21 of this subsection, a vehicle is considered destroyed if the cost of repair
22 of damages suffered by the vehicle exceeds the vehicle's fair market
23 value.

24 (f) If the name of the owner of a vehicle is legally changed and the
25 change has caused a change in the owner's annual registration date, the
26 excise tax liability of the owner shall be adjusted as follows:

- 27 (1) If the name change requires the owner to register sooner than
28 the owner would have been required to register if there had been
29 no name change, the owner shall, at the time the name change is
30 reported, be authorized a refund from the county treasurer in the
31 amount of the product of:

32 (A) ten percent (10%) of the owner's last preceding annual
33 excise tax liability; and

34 (B) the number of full calendar months between the owner's
35 new regular annual registration month and the next succeeding
36 regular annual registration month that is based on the owner's
37 former name.

- 38 (2) If the name change required the owner to register later than
39 the owner would have been required to register if there had been
40 no name change, the vehicle shall be subject to excise tax for the
41 period between the month in which the owner would have been
42 required to register if there had been no name change and the new

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regular annual registration month in the amount of the product of:

(A) ten percent (10%) of the owner's excise tax liability computed as of the time the owner would have been required to register if there had been no name change; and

(B) the number of full calendar months between the month in which the owner would have been required to register if there had been no name change and the owner's new regular annual registration month.

(g) In order to claim a credit under subsection (e) for a vehicle that is destroyed, the owner of the vehicle must present to the bureau of motor vehicles a valid registration for the vehicle within ninety (90) days of the date that it was destroyed. The bureau shall then fix the amount of the credit that the owner is entitled to receive.

(h) This section expires December 31, 2007.

SECTION 3. IC 6-6-5-7.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 7.2. (a) This section applies after December 31, 2007.**

(b) In respect to a vehicle that has been acquired, or brought into the state, or for any other reason becomes subject to registration after the regular annual registration date in the year on or before which the owner of the vehicle is required, under the motor vehicle registration laws of Indiana, to register vehicles, the tax imposed by this chapter shall become due and payable at the time the vehicle is acquired, brought into the state, or otherwise becomes subject to registration, and the amount of tax to be paid by the owner for the remainder of the year shall be reduced by eight and thirty-three hundredths percent (8.33%) for each full calendar month that has elapsed since the regular annual registration date in the year fixed by the motor vehicle registration laws for annual registration by the owner. The tax shall be paid at the time of the registration of the vehicle.

(c) In the case of a vehicle that is acquired, or brought into the state, or for any other reason becomes subject to registration after January 1 of any year, then the owner may pay the applicable registration fee on the vehicle as provided in the motor vehicle registration laws and any excise tax due on the vehicle for the remainder of the annual registration year and simultaneously register the vehicle and pay the applicable registration fee and the excise tax due for the next succeeding annual registration year.

(d) Except as provided in subsection (f), no reduction in the applicable annual excise tax will be allowed to an Indiana resident applicant upon registration of any vehicle that was owned by the

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applicant on or prior to the registrant's annual registration period. A vehicle owned by an Indiana resident applicant that was located in and registered for use in another state during the same calendar year shall be entitled to the same reduction when registered in Indiana.

(e) The owner of a vehicle who sells the vehicle in a year in which the owner has paid the tax imposed by this chapter shall receive a credit equal to the remainder of:

- (1) the tax paid for the vehicle; reduced by
- (2) eight and thirty-three hundredths percent (8.33%) for each full or partial calendar month that has elapsed in the registrant's annual registration year before the date of the sale.

The credit shall be applied to the tax due on any other vehicle purchased or subsequently registered by the owner in the same registrant's annual registration year. If the credit is not fully used and the amount of the credit remaining is at least four dollars (\$4), the owner is entitled to a refund in the amount of the unused credit. The owner must pay a fee of three dollars (\$3) to the bureau to cover costs of providing the refund, which may be deducted from the refund. The bureau shall issue the refund. The bureau shall transfer to the bureau of motor vehicles commission three dollars (\$3) of the fee to cover the commission's costs in processing the refund. To claim the credit and refund provided by this subsection, the owner of the vehicle must present to the bureau proof of sale of the vehicle.

(f) Subject to the requirements of subsection (g), the owner of a vehicle that is destroyed in a year in which the owner has paid the tax imposed by this chapter, which vehicle is not replaced by a replacement vehicle for which a credit is issued under this section, shall receive a refund in an amount equal to eight and thirty-three hundredths percent (8.33%) of the tax paid for each full calendar month remaining in the registrant's annual registration year after the date of destruction, but only upon presentation or return to the bureau of the following:

- (1) A request for refund on a form furnished by the bureau.
- (2) A statement of proof of destruction on an affidavit furnished by the bureau.
- (3) The license plate from the vehicle.
- (4) The registration from the vehicle.

However, the refund may not exceed ninety percent (90%) of the tax paid on the destroyed vehicle. The amount shall be refunded by

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a warrant issued by the auditor of the county that received the excise tax revenue and shall be paid out of the special account created for settlement of the excise tax collections under IC 6-6-5-10. For purposes of this subsection, a vehicle is considered destroyed if the cost of repair of damages suffered by the vehicle exceeds the vehicle's fair market value.

(g) If the name of the owner of a vehicle is legally changed and the change has caused a change in the owner's annual registration date, the excise tax liability of the owner shall be adjusted as follows:

(1) If the name change requires the owner to register sooner than the owner would have been required to register if there had been no name change, the owner shall, at the time the name change is reported, be authorized a refund from the county treasurer in the amount of the product of:

(A) eight and thirty-three hundredths percent (8.33%) of the owner's last preceding annual excise tax liability; and

(B) the number of full calendar months between the owner's new regular annual registration month and the next succeeding regular annual registration month that is based on the owner's former name.

(2) If the name change required the owner to register later than the owner would have been required to register if there had been no name change, the vehicle shall be subject to excise tax for the period between the month in which the owner would have been required to register if there had been no name change and the new regular annual registration month in the amount of the product of:

(A) eight and thirty-three hundredths percent (8.33%) of the owner's excise tax liability computed as of the time the owner would have been required to register if there had been no name change; and

(B) the number of full calendar months between the month in which the owner would have been required to register if there had been no name change and the owner's new regular annual registration month.

(h) In order to claim a credit under subsection (e) for a vehicle that is destroyed, the owner of the vehicle must present to the bureau of motor vehicles a valid registration for the vehicle within ninety (90) days of the date that it was destroyed. The bureau shall then fix the amount of the credit that the owner is entitled to receive.

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SECTION 4. IC 6-6-5-7.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7.4. (a) The owner of a vehicle registered with the bureau is entitled to a refund of taxes paid under this chapter if, after the owner's regular registration date:

- (1) the owner registers the vehicle for use in another state; and
- (2) the owner pays tax for use of the vehicle to another state for the same time period which the tax was paid under this chapter.

(b) The refund provided under subsection (a) is equal to:

- (1) the annual license excise tax paid for use of the vehicle by the owner of the vehicle for the year; minus
- (2) ten percent (10%) of the annual license excise tax paid for use of the vehicle for each full or partial calendar month between the date the annual license excise tax was due and the date the owner registered the vehicle for use in another state.

This subsection expires December 31, 2007.

(c) **This section applies after December 31, 2007. The refund provided under subsection (a) is equal to:**

- (1) **the annual license excise tax paid for use of the vehicle by the owner of the vehicle for the year; minus**
- (2) **eight and thirty-three hundredths percent (8.33%) of the annual license excise tax paid for use of the vehicle for each full or partial calendar month between the date the annual license excise tax was due and the date the owner registered the vehicle for use in another state.**

(~~c~~) (d) To claim the refund provided by this section, the owner of the vehicle must provide the bureau with:

- (1) a request for a refund on a form furnished by the bureau; and
- (2) proof that a tax described in subsection (a)(2) was paid.

SECTION 5. IC 9-13-2-48 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 48. "Driver's license" means any type of license ~~or privilege to operate a motor vehicle issued under the laws of a jurisdiction:~~ **issued by the state authorizing an individual to operate a motor vehicle on public streets, roads, or highways.**

SECTION 6. IC 9-13-2-74.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 74.5. **"Identification card" means an identification document issued by a state government for purposes of identification.**

SECTION 7. IC 9-13-2-123.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 123.5. **"Permit" means any kind**

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1 **of permit issued by the state authorizing an individual to operate**
 2 **a motor vehicle on public streets, roads, or highways.**

3 SECTION 8. IC 9-14-3.5-5 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. As used in this
 5 chapter, "personal information" means information that identifies a
 6 person, including an individual's:

- 7 (1) **digital** photograph; ~~or computerized image;~~
- 8 (2) Social Security number;
- 9 (3) driver's license or identification document number;
- 10 (4) name;
- 11 (5) address (but not the 5-digit zip code);
- 12 (6) telephone number; or
- 13 (7) medical or disability information.

14 The term does not include information about vehicular accidents,
 15 driving or equipment related violations, and operator's license or
 16 registration status.

17 SECTION 9. IC 9-14-3.5-10.5 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10.5. (a) Except as
 19 provided in subsections (b) and (c), the bureau may not disclose the
 20 following personal information from a person's motor vehicle record:

- 21 (1) Driver's license **or digital** photograph. ~~or computerized image;~~
- 22 (2) Social Security number.
- 23 (3) Medical or disability information.

24 (b) The bureau may disclose the personal information described in
 25 subsection (a) if the bureau has the express written consent of the
 26 person to whom the personal information pertains to release the
 27 information described in subsection (a).

28 (c) The bureau may disclose the personal information described in
 29 subsection (a) without the express written consent of the person to
 30 whom the personal information pertains if the person requesting the
 31 information:

- 32 (1) provides proof of identity; and
- 33 (2) represents that the use of the personal information will be
 34 strictly limited to at least one (1) of the uses set forth in section
 35 10(1), 10(4), 10(6), and 10(9) of this chapter.

36 SECTION 10. IC 9-18-2-1 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Within sixty (60)
 38 days of becoming an Indiana resident, a person must register all motor
 39 vehicles owned by the person that:

- 40 (1) are subject to the motor vehicle excise tax under IC 6-6-5; and
- 41 (2) will be operated in Indiana.

42 (b) Within sixty (60) days after becoming an Indiana resident, a

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person must register all commercial vehicles owned by the person that:

- (1) are subject to the commercial vehicle excise tax under IC 6-6-5.5;
- (2) are not subject to proportional registration under the International Registration Plan; and
- (3) will be operated in Indiana.

(c) A person must produce evidence concerning the date on which the person became an Indiana resident.

(d) Except as provided in subsection (e), an Indiana resident must register all motor vehicles operated in Indiana.

(e) An Indiana resident who has a legal residence in a state that is not contiguous to Indiana may operate a motor vehicle in Indiana for not more than sixty (60) days without registering the motor vehicle in Indiana.

(f) An Indiana resident who has registered a motor vehicle in Indiana in any previous registration year is not required to register the motor vehicle, is not required to pay motor vehicle excise tax under IC 6-6-5 or the commercial vehicle excise tax under IC 6-6-5.5 on the motor vehicle, and is exempt from property tax on the motor vehicle for any registration year in which:

(1) the Indiana resident is:

- (A) an active member of the armed forces of the United States; and
- (B) assigned to a duty station outside Indiana; and

(2) the motor vehicle is not operated inside or outside Indiana.

This subsection may not be construed as granting the bureau authority to require the registration of any vehicle that is not operated in Indiana.

(g) When an Indiana resident registers a motor vehicle in Indiana after the period of exemption described in subsection (f), the Indiana resident may submit an affidavit that:

- (1) states facts demonstrating that the motor vehicle is a motor vehicle described in subsection (e); and
- (2) is signed by the owner of the motor vehicle under penalties of perjury;

as sufficient proof that the owner of the motor vehicle is not required to register the motor vehicle during a registration year described in subsection (f). The commission or bureau may not require the Indiana resident to pay any civil penalty or any reinstatement or other fee that is not also charged to other motor vehicles being registered in the same registration year.

(h) The bureau may temporarily invalidate a motor vehicle registration that the bureau believes to have been issued as a result

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1 **of fraudulent documentation. The bureau may adopt rules under**
 2 **IC 4-22-2 to establish a procedure to temporarily invalidate a**
 3 **registration that the bureau believes to have been issued based on**
 4 **fraudulent documentation.**

5 SECTION 11. IC 9-24-2-3 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The bureau may
 7 not issue a license or permit to the following individuals:

8 (1) An individual whose license issued under Indiana law to
 9 operate a motor vehicle as an operator, a chauffeur, or a public
 10 passenger chauffeur has been suspended, during the period for
 11 which the license was suspended, or to an individual whose
 12 license has been revoked, until the time the bureau is authorized
 13 under Indiana law to issue the individual a new license.

14 (2) An individual whose learner's permit has been suspended or
 15 revoked until the time the bureau is authorized under Indiana law
 16 to issue the individual a new permit.

17 (3) An individual who, in the opinion of the bureau, is afflicted
 18 with or suffering from a physical or mental disability or disease
 19 that prevents the individual from exercising reasonable and
 20 ordinary control over a motor vehicle while operating the vehicle
 21 upon the public highways.

22 (4) An individual who is unable to understand highway warnings
 23 or direction signs written in the English language.

24 (5) An individual who is required under this chapter to take an
 25 examination unless the person successfully passes the
 26 examination.

27 (6) An individual who is required under IC 9-25 to deposit proof
 28 of financial responsibility and who has not deposited that proof.

29 (7) An individual when the bureau has good cause to believe that
 30 the operation of a motor vehicle on a public highway of Indiana
 31 by the individual would be inimical to public safety or welfare.

32 (8) An individual who is the subject of an order issued by:

33 (A) a court under IC 31-14-12-4 or IC 31-16-12-7 (or
 34 IC 31-1-11.5-13 or IC 31-6-6.1-16 before their repeal); or

35 (B) the Title IV-D agency;

36 ordering that a driving license or permit not be issued to the
 37 individual.

38 **(9) An individual who has not presented valid documentary**
 39 **evidence to the bureau of the person's legal status in the**
 40 **United States, as required by IC 9-24-9-2.5.**

41 (b) An individual subject to epileptic seizures may not be denied a
 42 license under this section if the individual presents a statement from a

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1 licensed physician that the individual is under medication and is free
2 from seizures while under medication.

3 SECTION 12. IC 9-24-9-2, AS AMENDED BY P.L.123-2005,
4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2007]: Sec. 2. **(a) Before January 1, 2008**, each application
6 for a license or permit under this chapter must require the following
7 information:

8 (1) The name, date of birth, sex, Social Security number, and
9 mailing address, and, if different from the mailing address, the
10 residence address of the applicant. The applicant shall indicate to
11 the bureau:

12 (A) which address the license or permit shall contain; and

13 (B) whether the Social Security number or another
14 distinguishing number shall be the distinctive identification
15 number used on the license or permit.

16 (2) Whether the applicant has been licensed as an operator, a
17 chauffeur, or a public passenger chauffeur or has been the holder
18 of a learner's permit, and if so, when and by what state.

19 (3) Whether the applicant's license or permit has ever been
20 suspended or revoked, and if so, the date of and the reason for the
21 suspension or revocation.

22 (4) Whether the applicant has been convicted of a crime
23 punishable as a felony under Indiana motor vehicle law or any
24 other felony in the commission of which a motor vehicle was
25 used.

26 (5) Whether the applicant has a physical or mental disability, and
27 if so, the nature of the disability and other information the bureau
28 directs.

29 The bureau shall maintain records of the information provided under
30 subdivisions (1) through (5).

31 **(b) After December 31, 2007, each application for a license or**
32 **permit under this chapter must require the following information:**

33 (1) **The full legal name of the applicant.**

34 (2) **The applicant's date of birth.**

35 (3) **The gender of the applicant.**

36 (4) **The applicant's height, weight, hair color, and eye color.**

37 (5) **The principal address and mailing address of the**
38 **applicant.**

39 (6) **A:**

40 (A) **valid Social Security number; or**

41 (B) **verification of an applicant's:**

42 (i) **ineligibility to be issued a Social Security number; and**

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(ii) identity and lawful status.

(7) Whether the applicant has been subject to fainting spells or seizures.

(8) Whether the applicant has been licensed as an operator, a chauffeur, or a public passenger chauffeur or has been the holder of a learner's permit, and if so, when and by what state.

(9) Whether the applicant's license or permit has ever been suspended or revoked, and if so, the date of and the reason for the suspension or revocation.

(10) Whether the applicant has been convicted of a crime punishable as a felony under Indiana motor vehicle law or any other felony in the commission of which a motor vehicle was used.

(11) Whether the applicant has a physical or mental disability, and if so, the nature of the disability and other information the bureau directs.

(12) The signature of the applicant.

The bureau shall maintain records of the information provided under subdivisions (1) through (12).

(c) The bureau may temporarily invalidate a license or permit that it believes to have been issued as a result of fraudulent documentation.

(d) The bureau:

(1) shall adopt rules under IC 4-22-2 to establish a procedure to verify an applicant's identity and lawful status; and

(2) may adopt rules under IC 4-22-2 to establish a procedure to temporarily invalidate a license or permit that it believes to have been issued based on fraudulent documentation.

SECTION 13. IC 9-24-9-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.5. In addition to the information required from the applicant for a license or permit under sections 1 and 2 of this chapter, the bureau shall require an applicant to present to the bureau valid documentary evidence that the applicant:

(1) is a citizen or national of the United States;

(2) is an alien lawfully admitted for permanent or temporary residence in the United States;

(3) has conditional permanent resident status in the United States;

(4) has an approved application for asylum in the United States or has entered into the United States in refugee status;

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- (5) has a valid unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;
- (6) has a pending application for asylum in the United States;
- (7) has a pending or approved application for temporary protected status in the United States;
- (8) has approved deferred action status; or
- (9) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

SECTION 14. IC 9-24-11-3, AS AMENDED BY P.L.156-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) A license issued to an individual less than eighteen (18) years of age is a probationary license.

(b) An individual holds a probationary license subject to the following conditions:

- (1) Except as provided in IC 31-37-3, the individual may not operate a motor vehicle during the curfew hours specified in IC 31-37-3-2.
- (2) During the ninety (90) days following the issuance of the probationary license, the individual may not operate a motor vehicle in which there are passengers unless another individual who:
 - (A) is at least twenty-one (21) years of age; and
 - (B) holds a valid operator's license issued under this article; is present in the front seat of the motor vehicle.
- (3) The individual may operate a motor vehicle only if the individual and each occupant of the motor vehicle has a safety belt properly fastened about the occupant's body at all times when the motor vehicle is in motion.

(c) An individual who holds a probationary license issued under this section may receive an operator's license, a chauffeur's license, a public passenger chauffeur's license, or a commercial driver's license when the individual is at least eighteen (18) years of age.

(d) **Except as provided in subsection (e)**, a probationary license issued under this section:

- (1) expires at midnight of the twenty-first birthday of the holder; and
- (2) may not be renewed.

(e) A probationary license issued under this section to an individual who complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(9) expires:

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(1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization to remain in the United States expires.

(B) At midnight of the twenty-first birthday of the holder.

SECTION 15. IC 9-24-11-5, AS AMENDED BY P.L.37-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) A permit or license issued under this chapter must bear the distinguishing number assigned to the permittee or licensee, and must contain the following information:

(1) The full legal name of the permittee or licensee.

(2) The date of birth of the permittee or licensee.

(3) The mailing address or of the principal residence address of the permittee or licensee.

(4) a brief description The hair color and eye color of the permittee or licensee.

(5) The date of issue and expiration date of the permit or license.

(6) The gender of the permittee or licensee.

(7) The unique identifying number of the permit or license.

(8) The weight of the permittee or licensee.

(9) The height of the permittee or licensee.

(10) A reproduction of the signature of the permittee or licensee.

~~(5)~~ (11) If the permittee or licensee is less than eighteen (18) years of age at the time of issuance, the dates on which the permittee or licensee will become:

(A) eighteen (18) years of age; and

(B) twenty-one (21) years of age.

~~(6)~~ (12) If the permittee or licensee is at least eighteen (18) years of age but less than twenty-one (21) years of age at the time of issuance, the date on which the permittee or licensee will become twenty-one (21) years of age. and

~~(7)~~ (13) Except as provided in subsection ~~(c)~~ (b) or (c), for the purpose of identification, a:

~~(A)~~ photograph; or

~~(B)~~ computerized image; a digital photograph of the permittee or licensee.

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and additional information that the bureau considers necessary, including a space for reproduction of the signature of the permittee or licensee. If the permittee or licensee has not indicated to the bureau under IC 9-24-9-2 that the Social Security number shall be the distinguishing number to be used; the Social Security number may not be shown on the permit or license.

(b) In carrying out this section, the bureau shall obtain the equipment necessary to provide the photographs and computerized images for permits and licenses as provided in subsection (a).

(c) (b) The following permits or licenses do not require a **digital photograph: or computerized image:**

(1) Temporary motorcycle learner's permit issued under IC 9-24-8.

(2) Motorcycle learner's permit issued under IC 9-24-8.

(3) Operator's license reissued under IC 9-24-12-6.

(d) (c) The bureau may provide for the omission of a photograph or computerized image from any other license or permit if there is good cause for the omission. **However, a license issued without a digital photograph must include the language described in subsection (f).**

(e) (d) The information contained on the permit or license as required by subsection (a)(5) (a)(11) or (a)(6) (a)(12) for a permittee or licensee who is less than twenty-one (21) years of age at the time of issuance shall be printed **perpendicular to the bottom edge of prominently on** the permit or license.

(f) (e) This subsection applies to a permit or license issued after January 1, 2007. If the applicant for a permit or license submits information to the bureau concerning the applicant's medical condition, the bureau shall place an identifying symbol on the face of the permit or license to indicate that the applicant has a medical condition of note. The bureau shall include information on the permit or license that briefly describes the medical condition of the holder of the permit or license. The information must be printed in a manner that alerts a person reading the permit or license to the existence of the medical condition. The permittee or licensee is responsible for the accuracy of the information concerning the medical condition submitted under this subsection. The bureau shall inform an applicant that submission of information under this subsection is voluntary.

(f) Any license or permit issued by the state that does not require a digital photograph must include the statement "May not be accepted by any federal agency for federal identification or any other federal purpose."

(g) A license or permit issued by the state to an individual who:

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- (1) has a valid, unexpired nonimmigrant visa or has nonimmigrant visa status for entry in the United States;
- (2) has a pending application for asylum in the United States;
- (3) has a pending or approved application for temporary protected status in the United States;
- (4) has approved deferred action status; or
- (5) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent residence status in the United States;

must be clearly identified as a temporary license or permit. A temporary license or permit issued under this subsection may not be renewed without the presentation of valid documentary evidence proving that the licensee's or permittee's temporary status has been extended.

(g)(h) The bureau may adopt rules under IC 4-22-2 to carry out this section.

SECTION 16. IC 9-24-12-1, AS AMENDED BY P.L.156-2006, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Except as provided in subsection (b) and (d) and section 10 of this chapter, an operator's license issued under this article after December 31, 1996, and before January 1, 2006, expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.

(b) Except as provided in sections 10, and 11, and 12 of this chapter, an operator's license issued after December 31, 1996, to an applicant who is at least seventy-five (75) years of age expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance.

(c) Except as provided in subsections (b) and (d) and sections 10, and 11, and 12 of this chapter, after December 31, 2005, an operator's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

(d) A probationary operator's license issued under IC 9-24-11-3 expires at midnight of the twenty-first birthday of the holder.

SECTION 17. IC 9-24-12-2, AS AMENDED BY P.L.156-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Except as provided in section 10 of this chapter, a chauffeur's license issued under this article after December 31, 1996, and before January 1, 2006, expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.

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(b) After December 31, 2005, and except as provided in subsection (c) and sections 10, ~~and 11, and 12~~ of this chapter, a chauffeur's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

(c) Except as provided in subsection (b) and ~~section~~ **sections 10, 11, and 12** of this chapter, a chauffeur's license issued ~~after June 30, 2006;~~ to an applicant who is at least seventy-five (75) years of age expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance.

SECTION 18. IC 9-24-12-3, AS AMENDED BY P.L.41-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. Except as provided in ~~section~~ **sections 11 and 12** of this chapter, a public passenger chauffeur's license issued under this article ~~after December 31, 1996,~~ expires at midnight of the birthday of the holder that occurs two (2) years following the date of issuance.

SECTION 19. IC 9-24-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. **(a) Except as provided in subsections (b) and (c),** the application for renewal of:

- (1) an operator's license;
- (2) a motorcycle operator's license;
- (3) a chauffeur's license;
- (4) a public passenger chauffeur's license; or
- (5) an identification card;

under this article may be filed not more than ~~six (6)~~ **twelve (12)** months before the expiration date of the license or identification card held by the applicant.

(b) When the applicant complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(9), an application for renewal of a driver's license in subsection (a)(1), (a)(2), (a)(3), or (a)(4) may be filed not more than one (1) month before the expiration date of the license held by the applicant.

(c) When the applicant complies with IC 9-24-16-3.5 (1)(E) though IC 9-24-16-3.5(1)(I), an application for renewal of an identification card in subsection (a)(5) may be filed not more than one (1) month before the expiration date of the identification card held by the applicant.

SECTION 20. IC 9-24-12-7, AS AMENDED BY P.L.156-2006, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) Except as provided in subsection (b) and section 10 of this chapter, a motorcycle operator's license issued ~~after December 31, 1996, and~~ before January 1, 2006, expires at midnight

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of the birthday of the holder that occurs four (4) years following the date of issuance.

(b) Except as provided in sections 10, ~~and~~ 11, **and 12** of this chapter, a motorcycle operator's license issued after December 31, 1996, to an applicant who is at least seventy-five (75) years of age expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance.

(c) After December 31, 2005, except as provided in subsection (b) and ~~section~~ **sections 10, 11, and 12** of this chapter, a motorcycle operator's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

(d) A motorcycle operator endorsement remains in effect for the same term as the license being endorsed and is subject to renewal at and after the expiration of the license in accordance with this chapter.

SECTION 21. IC 9-24-12-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 12. (a) This section applies to a driver's license issued under:**

- (1) IC 9-24-3;
- (2) IC 9-24-4;
- (3) IC 9-24-5; and
- (4) IC 9-24-8.

(b) A driver's license listed in subsection (a) that is issued after December 31, 2007, to an applicant who complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(9) expires:

- (1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or
- (2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:
 - (A) At midnight of the date the authorization of the holder to be a legal permanent resident or conditional resident alien of the United States expires.
 - (B) At midnight of the birthday of the holder that occurs six (6) years after the date of issuance.

SECTION 22. IC 9-24-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. The bureau shall issue an identification card to an individual who meets the following conditions:

- (1) Makes an application.

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(2) Is a resident of Indiana.

(3) Has presented valid documentary evidence to the bureau of the individual's legal status in the United States, as required by section 3.5 of this chapter.

SECTION 23. IC 9-24-16-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. **(a) Before January 1, 2008**, an application for an identification card issued under this chapter must meet the following conditions:

(1) Made upon an approved form provided by the bureau, which shall include the mailing address, and if different from the mailing address, the residence address of the applicant.

(2) Verified by the applicant before a person authorized to administer oaths and affirmations.

(b) After December 31, 2007, an application for an identification card issued under this chapter must require the following information concerning an applicant:

(1) The full legal name of the applicant.

(2) The applicant's date of birth.

(3) The gender of the applicant.

(4) The applicant's height, weight, hair color, and eye color.

(5) The principal address and mailing address of the applicant.

(6) A:

(A) valid Social Security number; or

(B) verification of an applicant's:

(i) ineligibility to be issued a Social Security number; and

(ii) identity and lawful status.

The bureau shall maintain records of the information provided under subdivisions (1) through (6).

(c) The bureau may temporarily invalidate an identification card that it believes to have been issued as a result of fraudulent documentation.

(d) The bureau:

(1) shall adopt rules under IC 4-22-2 to establish a procedure to verify an applicant's identity and lawful status; and

(2) may adopt rules to establish a procedure to temporarily invalidate an identification card that it believes to have been issued based on fraudulent documentation.

SECTION 24. IC 9-24-16-3, AS AMENDED BY P.L.37-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) An identification card must have the same dimensions and shape as a driver's license, but the card must have

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1 markings sufficient to distinguish the card from a driver's license.

2 (b) The front side of an identification card must contain the
3 **expiration date of the identification card and the** following
4 information about the individual to whom the card is being issued:

5 (1) Full legal name.

6 (2) ~~Mailing address and; if different from the mailing address;~~
7 **The address of the principal residence. address.**

8 (3) Date of birth.

9 (4) Date of issue and date of expiration.

10 (5) ~~Distinctive Unique~~ identification number. ~~or Social Security~~
11 ~~number; whichever is requested by the individual. If the~~
12 ~~individual has not requested that the Social Security number be~~
13 ~~the distinctive identification number to be used; the Social~~
14 ~~Security number may not be shown on the identification card.~~

15 (6) ~~Sex.~~ **Gender.**

16 (7) Weight.

17 (8) Height.

18 (9) Color of eyes and hair.

19 (10) Reproduction of the signature of the individual identified.

20 (11) Whether the individual is blind (as defined in
21 IC 12-7-2-21(1)).

22 (12) If the individual is less than eighteen (18) years of age at the
23 time of issuance, the dates on which the individual will become:

24 (A) eighteen (18) years of age; and

25 (B) twenty-one (21) years of age.

26 (13) If the individual is at least eighteen (18) years of age but less
27 than twenty-one (21) years of age at the time of issuance, the date
28 on which the individual will become twenty-one (21) years of age.

29 (14) ~~Digital~~ photograph ~~or computerized image.~~ **of the**
30 **individual.**

31 (c) The information contained on the identification card as required
32 by subsection (b)(12) or (b)(13) for an individual who is less than
33 twenty-one (21) years of age at the time of issuance shall be printed
34 **perpendicular to the bottom edge of prominently on** the permit or
35 license.

36 (d) ~~This subsection applies to an identification card issued after~~
37 ~~January 1, 2007.~~ If the applicant for an identification card submits
38 information to the bureau concerning the applicant's medical condition,
39 the bureau shall place an identifying symbol on the face of the
40 identification card to indicate that the applicant has a medical condition
41 of note. The bureau shall include information on the identification card
42 that briefly describes the medical condition of the holder of the card.

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The information must be printed in a manner that alerts a person reading the card to the existence of the medical condition. The applicant for an identification card is responsible for the accuracy of the information concerning the medical condition submitted under this subsection. The bureau shall inform an applicant that submission of information under this subsection is voluntary.

(e) An identification card issued by the state that does not require a digital photograph must include the statement "May not be accepted by any federal agency for federal identification or any other federal purpose."

(f) An identification card issued by the state to an individual who:

- (1) has a valid, unexpired nonimmigrant visa or has nonimmigrant visa status for entry in the United States;**
- (2) has a pending application for asylum in the United States;**
- (3) has a pending or approved application for temporary protected status in the United States;**
- (4) has approved deferred action status; or**
- (5) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent residence status in the United States;**

must be clearly identified as a temporary identification card. A temporary identification card issued under this subsection may not be renewed without the presentation of valid documentary evidence proving that the holder of the identification card's temporary status has been extended.

SECTION 25. IC 9-24-16-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3.5. In addition to the information required for the applicant for an identification card under section 3 of this chapter, the bureau shall require an applicant to present to the bureau:

- (1) valid documentary evidence that the applicant:**
 - (A) is a citizen or national of the United States;**
 - (B) is an alien lawfully admitted for permanent or temporary residence in the United States;**
 - (C) has conditional permanent resident status in the United States;**
 - (D) has an approved application for asylum in the United States or has entered into the United States in refugee status;**

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(E) has a valid unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;
 (F) has a pending application for asylum in the United States;

(G) has a pending or approved application for temporary protected status in the United States;

(H) has approved deferred action status; or

(I) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States; and

(2) evidence of the Social Security number of the applicant. If federal law prohibits the issuance of a Social Security number to the applicant, the applicant must provide verification of the applicant's ineligibility to be issued a Social Security number.

SECTION 26. IC 9-24-16-4, AS AMENDED BY P.L.210-2005, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) **Except as provided in subsection (b)**, an identification card issued:

(1) before January 1, 2006, expires on the fourth birthday of the applicant following the date of issue; and

(2) after December 31, 2005, expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

(b) **An identification card issued under this article after December 31, 2007, to an applicant who complies with section 3.5(1)(E) through 3.5(1)(I) of this chapter expires:**

(1) at midnight one (1) year after issuance, if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization of the holder to be a legal permanent resident or conditional resident alien of the United States expires.

(B) At midnight of the birthday of the holder that occurs six (6) years after the date of issuance.

SECTION 27. IC 9-24-16-5, AS AMENDED BY P.L.210-2005, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) An application for renewal of an identification card may be made not more than ~~six (6)~~ **twelve (12)**

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months before the expiration date of the card. **However, when the applicant complies with section 3.5(1)(E) through 3.5(1)(I) of this chapter, an application for renewal of an identification card may be filed not more than one (1) month before the expiration date of the identification card held by the applicant.** A renewal application received after the date of expiration is considered to be a new application.

(b) **Except as provided in subsection (e), a renewed card issued:**

(1) before January 1, 2006, becomes valid on the birth date of the holder and remains valid for four (4) years; and

(2) after December 31, 2005, is valid on the birth date of the holder and remains valid for six (6) years.

(c) If renewal has not been made within six (6) months after expiration, the bureau shall destroy all records pertaining to the former cardholder.

(d) Renewal may not be granted if the cardholder was issued a driver's license subsequent to the last issuance of an identification card.

(e) A renewed identification card issued under this article after December 31, 2007, to an applicant who complies with section 3.5(1)(E) through 3.5(1)(I) of this chapter expires:

(1) **at midnight one (1) year after issuance, if there is no expiration date on the authorization granted to the individual to remain in the United States; or**

(2) **if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:**

(A) **At midnight of the date the authorization of the holder to be a legal permanent resident or conditional resident alien of the United States expires.**

(B) **At midnight of the birthday of the holder that occurs six (6) years after the date of issuance.**

SECTION 28. IC 9-29-3-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. The service charge for each license that is required to bear a **digital** photograph ~~or computerized image~~ is fifty cents (\$0.50).

SECTION 29. [EFFECTIVE UPON PASSAGE] (a) **Notwithstanding IC 9-24-9-2(d)(1), as added by this act, the bureau of motor vehicles shall carry out the duties imposed upon the bureau of motor vehicles under IC 9-24-9-2(d)(1), as added by this act, under interim written guidelines approved by the commissioner of the bureau of motor vehicles.**

(b) **This SECTION expires on the earlier of the following:**

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1 **(1) The date rules are adopted under IC 9-24-9-2(d)(1), as**
2 **added by this act.**
3 **(2) December 31, 2008.**
4 **SECTION 30. An emergency is declared for this act.**

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SENATE MOTION

Madam President: I move that Senator Paul be added as third author of Senate Bill 463.

HEINOLD

 COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill No. 463, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-6-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) The bureau, in the administration and collection of the annual license excise tax imposed by this chapter, may utilize the services and facilities of license branches operated under IC 9-16 in its administration of the motor vehicle registration laws of the state of Indiana. The license branches may be so utilized in accordance with such procedures, in such manner, and to such extent as the bureau shall deem necessary and proper to implement and effectuate the administration and collection of the excise tax imposed by this chapter. However, in the event the bureau shall utilize such license branches in the collection of excise tax, the following apply:

(1) The excise taxes so collected by each license branch, less any refunds made by the license branch, shall be deposited daily by the license branch in a separate account in a depository duly designated by the state board of finance. The county treasurer of the county for which the collections are due may withdraw funds from the account at least two (2) times each week. The county treasurer is responsible for the safekeeping and investment of money withdrawn by the county treasurer under this subsection. Before the eleventh day of the month following the month in which the collections are made, the bureau of motor vehicles shall report the excise taxes collected and refunds made outside the county to the county treasurer of the county to which the collections are due and the refunds apply. The bureau shall forward a copy of this excise tax report to the county auditor of

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the county.

(2) A license branch shall each week forward a report to the county auditor of the county to whom the collections are due, showing the excise tax collected on each vehicle, each refund on a vehicle, and a copy of each registration certificate for all collections and refunds within the county.

(3) Each license branch shall also report to the bureau all excise taxes collected and refunds made under this chapter in the same manner and at the same time as registration fees are reported.

(4) Premiums for insurance to protect the funds collected by license branches against theft shall be paid by the bureau, except that the bureau may issue blanket coverage for all branches at its discretion. At the discretion of the bureau, the bureau may:

(A) self-insure to cover the activities of the license branches; or

(B) rather than purchase a bond or crime policy for each branch, purchase a single blanket bond or crime insurance policy endorsed to include faithful performance to cover all branches.

(5) If the services of a license branch are used by the bureau in the collection of the excise tax imposed by this chapter, the license branch shall collect the service charge prescribed under IC 9-29 for each vehicle registered upon which an excise tax is collected by that branch.

(6) If the excise tax imposed by this chapter is collected by the department of state revenue, the money collected shall be deposited in the state general fund to the credit of the appropriate county and reported to the bureau of motor vehicles on the first working day following the week of collection. Except as provided in subdivision (7), any amount collected by the department which represents interest or a penalty shall be retained by the department and used to pay its costs of enforcing this chapter.

(7) This subdivision applies only to interest or a penalty collected by the department of state revenue from a person who:

(A) fails to properly register a vehicle as required by IC 9-18 and pay the tax due under this chapter; and

(B) during any time after the date by which the vehicle was required to be registered under IC 9-18 displays on the vehicle a license plate issued by another state.

The total amount collected by the department that represents interest or a penalty, minus a reasonable amount determined by the department to represent its administrative expenses, shall be

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deposited in the state general fund for the credit of the county in which the person resides. The amount shall be reported to the bureau of motor vehicles on the first working day following the week of collection.

The bureau may contract with a bank card or credit card vendor for acceptance of bank or credit cards. ~~However, if there is a vendor transaction charge or discount fee, whether billed to the bureau or charged directly to the bureau's account, the bureau shall collect from the person using the card an official fee that may not exceed the highest transaction charge or discount fee charged to the bureau by bank or credit card vendors during the most recent collection period. This fee may be collected regardless of retail merchant agreements between the bank and credit card vendors that may prohibit such a fee. The fee is a permitted additional charge under IC 24-4.5-3-202.~~

(b) On or before April 1 of each year the bureau shall provide to the auditor of state the amount of motor vehicle excise taxes collected for each county for the preceding year.

(c) On or before May 10 and November 10 of each year the auditor of state shall distribute to each county one-half (1/2) of:

(1) the amount of delinquent taxes; and

(2) any penalty or interest described in subsection (a)(7);

that have been credited to the county under subsection (a). There is appropriated from the state general fund the amount necessary to make the distributions required by this subsection. The county auditor shall apportion and distribute the delinquent tax distributions to the taxing units in the county at the same time and in the same manner as excise taxes are apportioned and distributed under section 10 of this chapter.

(d) The commissioner of insurance shall prescribe the form of the bonds or crime policies required by this section.

SECTION 2. IC 6-6-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) In respect to a vehicle that has been acquired, or brought into the state, or for any other reason becomes subject to registration after the regular annual registration date in the year on or before which the owner of the vehicle is required, under the motor vehicle registration laws of Indiana, to register vehicles, the tax imposed by this chapter shall become due and payable at the time the vehicle is acquired, brought into the state, or otherwise becomes subject to registration and the amount of tax to be paid by the owner for the remainder of the year shall be reduced by ten percent (10%) for each full calendar month that has elapsed since the regular annual registration date in the year fixed by the motor vehicle registration laws for annual registration by the owner. The tax shall be

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paid at the time of the registration of the vehicle.

(b) In the case of a vehicle that is acquired, or brought into the state, or for any other reason becomes subject to registration after January 1 of any year, then the owner may pay the applicable registration fee on the vehicle as provided in the motor vehicle registration laws and any excise tax due on the vehicle for the remainder of the annual registration year and simultaneously register the vehicle and pay the applicable registration fee and the excise tax due for the next succeeding annual registration year.

(c) Except as provided in subsection (f), no reduction in the applicable annual excise tax will be allowed to an Indiana resident applicant upon registration of any vehicle that was owned by the applicant on or prior to the registrant's annual registration period. A vehicle owned by an Indiana resident applicant that was located in and registered for use in another state during the same calendar year shall be entitled to the same reduction when registered in Indiana.

(d) The owner of a vehicle who sells the vehicle in a year in which the owner has paid the tax imposed by this chapter, shall receive a credit equal to the remainder of:

- (1) the tax paid for the vehicle; reduced by
- (2) ten percent (10%) for each full or partial calendar month that has elapsed in the registrant's annual registration year before the date of the sale.

The credit shall be applied to the tax due on any other vehicle purchased or subsequently registered by the owner in the same registrant's annual registration year. If the credit is not fully used and the amount of the credit remaining is at least four dollars (\$4), the owner is entitled to a refund in the amount of the unused credit. The owner must pay a fee of three dollars (\$3) to the bureau to cover costs of providing the refund, which may be deducted from the refund. The bureau shall issue the refund. The bureau shall transfer to the bureau of motor vehicles commission three dollars (\$3) of the fee to cover the commission's costs in processing the refund. To claim the credit and refund provided by this subsection, the owner of the vehicle must present to the bureau proof of sale of the vehicle.

(e) Subject to the requirements of subsection (g), the owner of a vehicle that is destroyed in a year in which the owner has paid the tax imposed by this chapter, which vehicle is not replaced by a replacement vehicle for which a credit is issued under this section, shall receive a refund in an amount equal to ten percent (10%) of the tax paid for each full calendar month remaining in the registrant's annual registration year after the date of destruction, but only upon

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presentation or return to the bureau of the following:

- (1) A request for refund on a form furnished by the bureau.
- (2) A statement of proof of destruction on an affidavit furnished by the bureau.
- (3) The license plate from the vehicle.
- (4) The registration from the vehicle.

However, the refund may not exceed ninety percent (90%) of the tax paid on the destroyed vehicle. The amount shall be refunded by a warrant issued by the auditor of the county that received the excise tax revenue and shall be paid out of the special account created for settlement of the excise tax collections under IC 6-6-5-10. For purposes of this subsection, a vehicle is considered destroyed if the cost of repair of damages suffered by the vehicle exceeds the vehicle's fair market value.

(f) If the name of the owner of a vehicle is legally changed and the change has caused a change in the owner's annual registration date, the excise tax liability of the owner shall be adjusted as follows:

- (1) If the name change requires the owner to register sooner than the owner would have been required to register if there had been no name change, the owner shall, at the time the name change is reported, be authorized a refund from the county treasurer in the amount of the product of:

(A) ten percent (10%) of the owner's last preceding annual excise tax liability; and

(B) the number of full calendar months between the owner's new regular annual registration month and the next succeeding regular annual registration month that is based on the owner's former name.

- (2) If the name change required the owner to register later than the owner would have been required to register if there had been no name change, the vehicle shall be subject to excise tax for the period between the month in which the owner would have been required to register if there had been no name change and the new regular annual registration month in the amount of the product of:

(A) ten percent (10%) of the owner's excise tax liability computed as of the time the owner would have been required to register if there had been no name change; and

(B) the number of full calendar months between the month in which the owner would have been required to register if there had been no name change and the owner's new regular annual registration month.

- (g) In order to claim a credit under subsection (e) for a vehicle that

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is destroyed, the owner of the vehicle must present to the bureau of motor vehicles a valid registration for the vehicle within ninety (90) days of the date that it was destroyed. The bureau shall then fix the amount of the credit that the owner is entitled to receive.

(h) This section expires December 31, 2007.

SECTION 3. IC 6-6-5-7.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 7.2. (a) This section applies after December 31, 2007.**

(b) In respect to a vehicle that has been acquired, or brought into the state, or for any other reason becomes subject to registration after the regular annual registration date in the year on or before which the owner of the vehicle is required, under the motor vehicle registration laws of Indiana, to register vehicles, the tax imposed by this chapter shall become due and payable at the time the vehicle is acquired, brought into the state, or otherwise becomes subject to registration, and the amount of tax to be paid by the owner for the remainder of the year shall be reduced by eight and thirty-three hundredths percent (8.33%) for each full calendar month that has elapsed since the regular annual registration date in the year fixed by the motor vehicle registration laws for annual registration by the owner. The tax shall be paid at the time of the registration of the vehicle.

(c) In the case of a vehicle that is acquired, or brought into the state, or for any other reason becomes subject to registration after January 1 of any year, then the owner may pay the applicable registration fee on the vehicle as provided in the motor vehicle registration laws and any excise tax due on the vehicle for the remainder of the annual registration year and simultaneously register the vehicle and pay the applicable registration fee and the excise tax due for the next succeeding annual registration year.

(d) Except as provided in subsection (f), no reduction in the applicable annual excise tax will be allowed to an Indiana resident applicant upon registration of any vehicle that was owned by the applicant on or prior to the registrant's annual registration period. A vehicle owned by an Indiana resident applicant that was located in and registered for use in another state during the same calendar year shall be entitled to the same reduction when registered in Indiana.

(e) The owner of a vehicle who sells the vehicle in a year in which the owner has paid the tax imposed by this chapter shall receive a credit equal to the remainder of:

(1) the tax paid for the vehicle; reduced by

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- (2) eight and thirty-three hundredths percent (8.33%) for each full or partial calendar month that has elapsed in the registrant's annual registration year before the date of the sale.

The credit shall be applied to the tax due on any other vehicle purchased or subsequently registered by the owner in the same registrant's annual registration year. If the credit is not fully used and the amount of the credit remaining is at least four dollars (\$4), the owner is entitled to a refund in the amount of the unused credit. The owner must pay a fee of three dollars (\$3) to the bureau to cover costs of providing the refund, which may be deducted from the refund. The bureau shall issue the refund. The bureau shall transfer to the bureau of motor vehicles commission three dollars (\$3) of the fee to cover the commission's costs in processing the refund. To claim the credit and refund provided by this subsection, the owner of the vehicle must present to the bureau proof of sale of the vehicle.

(f) Subject to the requirements of subsection (g), the owner of a vehicle that is destroyed in a year in which the owner has paid the tax imposed by this chapter, which vehicle is not replaced by a replacement vehicle for which a credit is issued under this section, shall receive a refund in an amount equal to eight and thirty-three hundredths percent (8.33%) of the tax paid for each full calendar month remaining in the registrant's annual registration year after the date of destruction, but only upon presentation or return to the bureau of the following:

- (1) A request for refund on a form furnished by the bureau.
- (2) A statement of proof of destruction on an affidavit furnished by the bureau.
- (3) The license plate from the vehicle.
- (4) The registration from the vehicle.

However, the refund may not exceed ninety percent (90%) of the tax paid on the destroyed vehicle. The amount shall be refunded by a warrant issued by the auditor of the county that received the excise tax revenue and shall be paid out of the special account created for settlement of the excise tax collections under IC 6-6-5-10. For purposes of this subsection, a vehicle is considered destroyed if the cost of repair of damages suffered by the vehicle exceeds the vehicle's fair market value.

(g) If the name of the owner of a vehicle is legally changed and the change has caused a change in the owner's annual registration date, the excise tax liability of the owner shall be adjusted as

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follows:

(1) If the name change requires the owner to register sooner than the owner would have been required to register if there had been no name change, the owner shall, at the time the name change is reported, be authorized a refund from the county treasurer in the amount of the product of:

(A) eight and thirty-three hundredths percent (8.33%) of the owner's last preceding annual excise tax liability; and

(B) the number of full calendar months between the owner's new regular annual registration month and the next succeeding regular annual registration month that is based on the owner's former name.

(2) If the name change required the owner to register later than the owner would have been required to register if there had been no name change, the vehicle shall be subject to excise tax for the period between the month in which the owner would have been required to register if there had been no name change and the new regular annual registration month in the amount of the product of:

(A) eight and thirty-three hundredths percent (8.33%) of the owner's excise tax liability computed as of the time the owner would have been required to register if there had been no name change; and

(B) the number of full calendar months between the month in which the owner would have been required to register if there had been no name change and the owner's new regular annual registration month.

(h) In order to claim a credit under subsection (e) for a vehicle that is destroyed, the owner of the vehicle must present to the bureau of motor vehicles a valid registration for the vehicle within ninety (90) days of the date that it was destroyed. The bureau shall then fix the amount of the credit that the owner is entitled to receive.

SECTION 4. IC 6-6-5-7.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7.4. (a) The owner of a vehicle registered with the bureau is entitled to a refund of taxes paid under this chapter if, after the owner's regular registration date:

(1) the owner registers the vehicle for use in another state; and

(2) the owner pays tax for use of the vehicle to another state for the same time period which the tax was paid under this chapter.

(b) The refund provided under subsection (a) is equal to:

(1) the annual license excise tax paid for use of the vehicle by the

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owner of the vehicle for the year; minus
 (2) ten percent (10%) of the annual license excise tax paid for use of the vehicle for each full or partial calendar month between the date the annual license excise tax was due and the date the owner registered the vehicle for use in another state.

This subsection expires December 31, 2007.

(c) This section applies after December 31, 2007. The refund provided under subsection (a) is equal to:

- (1) the annual license excise tax paid for use of the vehicle by the owner of the vehicle for the year; minus**
- (2) eight and thirty-three hundredths percent (8.33%) of the annual license excise tax paid for use of the vehicle for each full or partial calendar month between the date the annual license excise tax was due and the date the owner registered the vehicle for use in another state.**

(d) To claim the refund provided by this section, the owner of the vehicle must provide the bureau with:

- (1) a request for a refund on a form furnished by the bureau; and**
- (2) proof that a tax described in subsection (a)(2) was paid."**

Page 6, line 33, after "applicant" insert ":",

Page 6, line 33, delete "is a:".

Page 6, delete lines 34 through 37, begin a new line block indented and insert:

- "(1) is a citizen or national of the United States;**
- (2) is an alien lawfully admitted for permanent or temporary residence in the United States;**
- (3) has conditional permanent resident status in the United States;**
- (4) has an approved application for asylum in the United States or has entered into the United States in refugee status;**
- (5) has a valid unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;**
- (6) has a pending application for asylum in the United States;**
- (7) has a pending or approved application for temporary protected status in the United States;**
- (8) has approved deferred action status; or**
- (9) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States."**

Page 7, delete lines 25 through 37, begin a new paragraph and insert:

SB 463—LS 7579/DI 96+



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"(e) A probationary license issued under this section to an individual who complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(9) expires:

(1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization to remain in the United States expires."

Page 9, delete lines 30 through 31.

Page 9, line 32, delete "(2)" and insert "(1)".

Page 9, line 34, delete "(3)" and insert "(2)".

Page 9, line 35, delete "(4)" and insert "(3)".

Page 9, line 37, delete "(5)" and insert "(4)".

Page 9, line 38, delete "(6)" and insert "(5)".

Page 11, delete lines 17 through 18, begin a new paragraph and insert:

"(b) When the applicant complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(9), an application for renewal of a driver's license in subsection (a)(1),"

Page 11, delete lines 21 through 22, begin a new paragraph and insert:

"(c) When the applicant complies with IC 9-24-16-3.5 (1)(E) though IC 9-24-16-3.5(1)(I), an application for renewal of an identification card in subsection"

Page 12, delete lines 11 through 24, begin a new paragraph and insert:

"(b) A driver's license listed in subsection (a) that is issued after December 31, 2007, to an applicant who complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(9) expires:

(1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization of the holder to be a legal permanent resident or conditional resident alien of the United States expires."

Page 15, delete lines 2 through 3.

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Page 15, line 4, delete "(2)" and insert "(1)".

Page 15, line 6, delete "(3)" and insert "(2)".

Page 15, line 7, delete "(4)" and insert "(3)".

Page 15, line 9, delete "(5)" and insert "(4)".

Page 15, line 10, delete "(6)" and insert "(5)".

Page 15, line 25, after "applicant" insert ":".

Page 15, line 25, delete "is a:".

Page 15, delete lines 26 through 29, begin a new line double block indented and insert:

"(A) is a citizen or national of the United States;

(B) is an alien lawfully admitted for permanent or temporary residence in the United States;

(C) has conditional permanent resident status in the United States;

(D) has an approved application for asylum in the United States or has entered into the United States in refugee status;

(E) has a valid unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;

(F) has a pending application for asylum in the United States;

(G) has a pending or approved application for temporary protected status in the United States;

(H) has approved deferred action status; or

(I) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States; and".

Page 16, delete lines 1 through 13, begin a new paragraph and insert:

"(b) An identification card issued under this article after December 31, 2007, to an applicant who complies with section 3.5(1)(E) through 3.5(1)(I) of this chapter expires:

(1) at midnight one (1) year after issuance, if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization of the holder to be a legal permanent resident or conditional resident alien of the United States expires."

Page 16, line 21, delete "3.5(1)(C)" and insert "3.5(1)(E) through 3.5(1)(I)".

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Page 16, delete lines 37 through 42, begin a new paragraph and insert:

"(e) A renewed identification card issued under this article after December 31, 2007, to an applicant who complies with section 3.5(1)(E) through 3.5(1)(I) of this chapter expires:

(1) at midnight one (1) year after issuance, if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization of the holder to be a legal permanent resident or conditional resident alien of the United States expires."

Page 17, delete lines 1 through 7.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 0463 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 8, Nays 0.

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